upper end of the square a chair and a footstool under a canopy of state where the Lord Treasurer Buckhurst sat as Lord High Steward, who came into the Hall with seven sergeants-at-arms bearing maces before.

Then the Lord Thomas Howard, Constable of the Tower Sir John Peyton, the Lieutenant, and the Gentleman Porter carrying the axe entered, the prisoners following them and came to the bar 3 and being within the two Earls kissed hands and embraced each other So proclamation was made that the Peers summoned to the trial should answer their names, being six and twenty in number , and when the Lord Grey was called the Earl of Essex laughed upon the Earl of Southampton and jogged him by the sleeve The Earl of Essex now desired to know whether the privilege permitted to every private person upon his trial might be granted to them, *m%* , to make challenge of any of the Peers against whom they might have just cause of exception To which the Lord Chief Justice Popham answered that verily the law did allow no challenge of any of the Peers, for such was the credit and estimation of the Peers of England that they are neither compelled to an oath on arraignment nor are subject to any exception So the prisoners were called to hold up their right hands , which they did, the Earl of Essex saying that he had, before that time, done it often at her Majesty's command for a better purpose

The case against them was opened first by Sergeant Yelverton Next the Attorney spake of the laws concerning treason, and how the offence of the Earls was high treason, and how that they had consulted with their friends, conferring whether it were more advisable to take the Tower or to surprise

the Court, or to
try their friends in London Then was read the
deposition of
Mr Henry Widdnngton that was present when the
Councillors
were shut up in Essex House And then the Lord
Chief Justice
was sworn, and gave his evidence *mva wee* of that
which had pass-
ed, and after him my Lord of Worcester,
whereupon followed
some disputing between Master Attorney and the
Earl of Essex
Sir Walter Ralegh was then called and his oath
given him, at
which the Earl of Essex said,[c] What booteth it to
swear the fox?'
Sir Walter spake of his words with Sir Ferdinando
Gorges on the
Thames, upon the Sunday morning of the rising
Next were